

Outdoor Smoking Ordinance Stakeholder Meeting

City of San José

SCC Public Health Department

Background

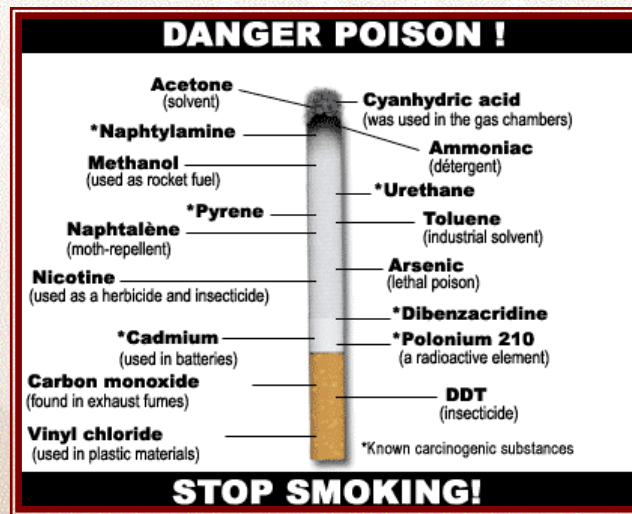
- In August 2011, San José City Council directed staff to develop an *Outdoor Smoking Ordinance*
- Partnership with Santa Clara County who have provided grant funding
- Purpose of meeting is to receive Stakeholder input on *Draft Ordinance*

What is Secondhand Smoke?

- Smoke given off by a burning cigarette, pipe, cigar, or other tobacco product and exhaled by a smoker
- Only 15% of a cigarette's smoke is inhaled by the smoker; the remaining 85% is released into the air for others to breathe
- In the U.S., most secondhand smoke comes from cigarettes

Is Secondhand Smoke a Health Issue?

The US Surgeon General has concluded that there is **NO** risk-free level of exposure to secondhand smoke



Second hand smoke contains thousands of toxic chemicals –more than 50 that can cause cancer

Second Hand Smoke Affects in California

- Every year in California, secondhand smoke is responsible for an estimated:
 - 21 cases of SIDS
 - 1,600 cases of low birth weight in newborns
 - 4,700 pre-term deliveries
 - 31,000 asthma episodes and 50,200 middle ear infections in children
 - 3,600 cardiac deaths and 400 lung cancer deaths in non-smoking adults

Ordinance Scope

- ***Outdoor dining areas of restaurants***
- ***Public Service Lines/Areas***
- ***Unenclosed common areas of multi-unit residences***

Outdoor Dining Area Defined

- *“Outdoor Dining Area” means any privately owned or publicly owned area, including streets, sidewalks, and Sidewalk Cafes as defined in Section 20.200.1120 of the San Jose Municipal Code, which is available or customarily used by the general public and which is designed, established, or regularly used for consuming food or drink.*

Public Service Line Defined

- *“Service Line” means any outdoor line or queue at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.*
- Examples: ATM's, Event Ticket Offices, Movie Theaters

Multifamily Residential

- *All unenclosed common areas of apartments, condominiums and mobilehome parks which are open to public access or to unrestricted common access by the residents of such places, except for areas that have been designated as a Designated Smoking Area by the owner of the property;*

Multifamily Residential - Continued

- *“Designated Smoking Area” means such portion of an Outdoor Common Area that has been designated for smoking by the person with legal control over the common area and which complies with all of the following:*
 - *A) The area is unenclosed.*
 - *B) The area is located at least 30 feet from any operable doorway, window opening or other vent into an enclosed area.*
 - *C) The perimeter of the area is clearly demarcated.*
 - *D) Signs indicate that the area is designated for smoking.*

Next Steps

- February 2012 - Council Review
- March 2012 – Second Reading
- April 2012 – Responsibility Letters Sent
- May 2012 – Ordinance in Effect

Questions?